



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,527	07/05/2001	James A. May	064814.0146	4617

7590 08/17/2004

Thomas R. Felger
Baker Botts L.L.P.
Suite 600
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

PHAM, THOMAS K

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,527

Applicant(s)

MAY ET AL.

Examiner

Thomas K Pham

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/1/04 & 5/11/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

Art Unit: 2121

Response to Amendment

1. This action is in response to request for re-consideration filed on 5/11/2004
2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Quotations of U.S. Code Title 35

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2121

Claim Rejections - 35 USC § 102

5. Claims 1-4, 6 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,620,079 ("Molbak").

Regarding claim 1

Molbak teaches an apparatus for managing a field asset comprising: at least one processor (fig. 18A, element 1812); memory operably coupled to the at least one processor (fig. 18A, element 1842); a communications interface operably coupled to the processor and the memory (fig. 18A shows communication lines between processor 1812 and memory 1842); the communications interface operable to communicate with a controller board operably coupled to the field asset (col. 12 lines 19-28, "Communication can also ... commands to commence operation"); a program of instructions storable in the memory and executable in the processor (col. 12 lines 11-14, "Modem communication can be ... from a central location"); a the program of instructions operable to independently correct at least one field asset error condition (col. 18 lines 46-48, "the machines may be ... central location (service) personnel") and further operable to package uncorrected error conditions for transmission (col. 18 lines 48-58, "In some cases ... on the video screen, or the like"); a wireless network interface operably coupled to the memory and the processor; and the wireless network interface operable to transmit the packaged error conditions to a network operations center via a wireless network (col. 17 line 62 to col. 18 line 9, "In addition to accessing information ... video communication system").

Regarding claim 2

Art Unit: 2121

Molbak teaches the program of instructions operable to poll the controller board to determine whether an error condition exists on the field asset (col. 10 lines 31-34, "the microprocessor can respond ... without requiring intervention by, e.g., store personnel").

Regarding claim 3

Molbak teaches the wireless network interface operable to receive commands from the network operations center transmitted via the wireless network (col. 17 line 62 to col. 18 line 9, "In addition to accessing information ... video communication system"); and the commands operable to correct at least one uncorrected error condition on the field asset (col. 10 lines 31-44, "the microprocessor can respond ... by using software").

Regarding claims 4 and 20

Molbak teaches the field asset including hardware operable to perform ice bagging and vending operations (col. 2 lines 54-62, "allows the user ... goodwill of these customers").

Regarding claim 6

Molbak teaches at least one sensor operably coupled to the memory and the processor (fig. 3, element 340 coupling to CPU/memory 290); and the at least one sensor operable to evaluate at least one characteristic of the field asset (col. 20 lines 47-49, "Leading edge sensor 340 ... has been dispensed").

Claim Rejections - 35 USC § 103

6. Claims 5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,620,079 ("Molbak") in view of U.S. Patent No. 6,385,772 ("Courtney").

Regarding claim 5

Art Unit: 2121

Molbak teaches the wireless network interface operable to receive at least one command to correct at least one uncorrected error condition existing on the field asset but does not teach receiving at least one command from an Internet-enabled remote device. However, Courtney teaches receiving at least one command from an Internet-enabled remote device (fig. 2) for the purpose of periodically monitor the remote devices wirelessly from anywhere using any personal digital assistance. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Internet-enabled remote device of Courtney with the control system of Molbak because it would provide for the purpose of periodically monitor the remote devices wirelessly from anywhere using any personal digital assistance.

Regarding claim 7

Molbak teaches a system for the Internet enabled management of a field asset comprising: a field asset having a controller board operable to detect at least one error condition present on the field asset (col. 10 lines 30-32, "the microprocessor can response ... clear the jam automatically"); a monitoring device operably coupled to the field asset (col. 6 lines 54-58, "the control and I/O system ... or statistical information"); the monitoring device including a processor, memory operably coupled to the processor, a communications interface operably coupled to the processor, the memory and the controller board and a wireless network interface operably coupled to the memory and the processor (col. 4 lines 46-65, "the apparatus is controlled ... dispensed coupons and the like"); the communications interface operable to communicate with the field asset and the wireless network interface operable to communicate with a wireless network (col. 17 line 62 to col. 18 line 9, "In addition to accessing information ... video communication system"); the monitoring device including a program instructions storable in the

Art Unit: 2121

memory and executable in the processor, the program of instructions operable to initiate a sequence of instructions designed to correct at least one error condition in response to a determination that the at least one error condition is addressable by the monitoring device; a network operations center operably coupled to the wireless network (col. 10 lines 31-44, "the microprocessor can respond ... by using software"); and the network operations center operable to receive alerts indicative of error conditions existing on the field asset from the monitoring device and the network operations center further operable to display at least one entry indicative of an error condition existing on the field asset (col. 18 lines 59-65, "the machine may experience ... to correct the situation"). Molbak does not teach receiving alert indicative of error on an Internet-enabled remote device. However, Courtney teaches an Internet-enabled remote device (col. 4 lines 36-42, "The monitoring apparatus 10 ... of the portable unit 46") for the purpose of periodically monitor the remote devices wirelessly from anywhere using any personal digital assistance. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Internet-enabled remote device of Courtney with the control system of Molbak because it would provide for the purpose of periodically monitor the remote devices wirelessly from anywhere using any personal digital assistance.

Regarding claim 8

Molbak teaches the network operations center operable to communicate one or more control functions to the field asset in response to selection by a user from the remote device (col. 12 lines 29-38, "Serial communication line 1832 ... statistical information and the like").

Regarding claim 9

Art Unit: 2121

Molbak teaches the program of instructions operable to initiate a sequence of instructions designed to one or more error conditions on the field asset (col. 10 lines 34-44, "the apparatus temporarily suspends ... by using software").

Regarding claim 10

Molbak teaches the program of instructions operable to package uncorrected error conditions for transmission to the network operations center over the wireless network (col. 18 lines 48-58, "In some cases ... on the video screen, or the like").

Regarding claim 11

Molbak teaches the program of instructions operable to poll the field asset to determine whether an error condition is present on the field asset (col. 10 lines 31-34, "the microprocessor can respond ... without requiring intervention by, e.g., store personnel").

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,620,079 ("Molbak-079") in view of U.S. Patent No. 6,385,772 ("Courtney") and further in view of U.S. Patent No. 5,957,262 ("Molbak-262").

Regarding claim 12

Molbak-079 and Courtney teach a system for the Internet enabled management of a field asset but do not teach the program of instructions operable to evaluate whether the sequence of instructions designed to correct the at least one error condition was effective; and the program of instructions further operable to repeat the sequence of instructions designed to correct at least one error condition in response to a remaining error condition. However, Molbak-262 teaches the program of instructions operable to evaluate whether the sequence of instructions designed to

Art Unit: 2121

correct the at least one error condition was effective (col. 2 lines 59-64, "an automatic evaluation ... 'successful' is used"); and the program of instructions further operable to repeat the sequence of instructions designed to correct at least one error condition in response to a remaining error condition (col. 2 line 65 to col. 3 line 3, "the evaluation includes ... the counting process is stopped") for the purpose reacting to a detected error in a device by taking measures to the problem. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the error detecting and handling of Molbak-262 with the systems of Molbak-079 and Courtney because it would provide for the purpose reacting to a detected error in a device by taking measures to the problem.

8. Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,957,262 ("Molbak-262") in view of U.S. Patent No. 5,620,079 ("Molbak-079").

Regarding claim 13

Molbak-262 teaches a method for monitoring the operating status of a field asset comprising: coupling at least one monitoring device to a controller board of the field asset (fig. 7, monitoring device 742 is coupled to controller 718); determining, by the monitoring device, whether at least one error condition is present on the field asset (col. 8 lines 26-42, "A number of types of errors ... 719 error"); identifying whether an error condition present on the field asset is correctable by the monitoring device (col. 8 lines 23-25, "the identifier 714 ... jam are detected"); automatically initiating a correction sequence, to be performed by the monitoring device, designed to correct at least one error condition identified as correctable by the monitoring device (col. 9 lines 40-67, "Such requirement for ... to a dirty coin jam"); evaluating, by the monitoring device, whether the

Art Unit: 2121

correction sequence was effective (col. 10 lines 54-67, "the evaluation step ... to the dejamming measures 214"); packaging uncorrected error conditions for transmission by the monitoring device (col. 11 lines 56-61, "However, if the error ... manual intervention is needed"). Molbak-262 does not teach transmitting the packaged error conditions to at least one destination over a wireless network. However, Molbak-079 discloses using wireless network is a possible choice for communication with the monitoring system (col. 17 line 62 to col. 18 line 9, "In addition to accessing information ... video communication system") for the purpose of providing information from the field devices to a central location. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the communication network of Molbak-079 with the apparatus of Molbak-262 because it would provide for the purpose of forwarding information from the field devices to a central location.

Regarding claim 14

Molbak-262 teaches repeating the steps of initiating and evaluating a predetermined number of times (col. 13 lines 7-34, "The declaration of a new ... are under taken").

Regarding claim 15

Molbak-262 teaches polling, by the monitoring device, the field asset to determine whether at least one error condition is present on the field asset (col. 11 lines 43-54, "The device then scans ... counting process 226 continues").

Regarding claim 16

Molbak-079 teaches receiving, at a network operations center, the packaged and transmitted error conditions (col. 17 line 62 to col. 18 line 9, "In addition to accessing information ... video communication system"); and updating a database such that a technician can review at least one

Art Unit: 2121

field asset for the presence of error conditions (col. 12 lines 34-38, "service personnel can communicate ... statistical information and the like). Molbak-262 and Molbak-079 do not teach an Internet accessible database. "Official Notice" is taken that both the concept and advantages of providing an Internet accessible database is well known and expected in the art. U.S. Patent No. 5,818,603 by Motoyama discloses a system for controlling and communicating with remote machines including an Internet accessible database of information (fig. 1, element 28). It would have been obvious to one of ordinary skill in the art to include the Internet accessible database with the monitoring system of Molbak-262 and Molbak-079 because it would provide for accessing data from anywhere by an authorized user.

Regarding claim 17

Molbak-262 teaches notifying the technician of the error condition on the field asset (col. 11 lines 59-61, "The host computer 742 ... manual intervention is needed").

9. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molbak-262 in view of Molbak-079 and further in view of U.S. Patent No. 6,385,772 ("Courtney").

Regarding claim 18

Molbak teaches sending a message indicative of the error condition for display but does not teach an Internet-enabled remote device. However, Courtney teaches an Internet-enabled remote device (col. 4 lines 36-42, "The monitoring apparatus 10 ... of the portable unit 46") for the purpose of periodically monitor the remote devices wirelessly from anywhere using any personal digital assistance. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Internet-enabled remote device of Courtney with

Art Unit: 2121

the control system of Molbak because it would provide for the purpose of periodically monitor the remote devices wirelessly from anywhere using any personal digital assistance.

Regarding claim 19

Molbak teaches initiating at least one command on the monitoring device to correct the error condition on the field asset in response to selection of the command (col. 4 lines 18-28, "Modifications of the controller ... related features") but does not teach receiving at least one command from an Internet-enabled remote device. However, Courtney teaches an Internet-enabled remote device (col. 4 lines 36-42, "The monitoring apparatus 10 ... of the portable unit 46") for the purpose of periodically monitor the remote devices wirelessly from anywhere using any personal digital assistance. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Internet-enabled remote device of Courtney with the control system of Molbak because it would provide for the purpose of periodically monitor the remote devices wirelessly from anywhere using any personal digital assistance.

Response to Arguments

10. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2121

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874. The examiner can normally be reached on Monday-Thursday and every other Friday from 7:30AM- 5:00PM EST or contact Supervisor, *Mr. Anthony Knight*, can be reached on (703) 308-3179.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

TP

August 5, 2004

Ramesh Patel
RAMESH PATEL
PRIMARY EXAMINER 8/5/04
For Anthony Knight